

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED

OCT 02 2019

JULIA C. DUDLEY, CLERK  
BY *C. Amoy*  
DEPUTY CLERK

CRYSTAL VL RIVERS

Plaintiff

v.

Civil Action No. 6:18-cv-00061

UNITED STATES OF AMERICA, et.al.

Defendants

**MOTION TO DISQUALIFY ATTORNEY(S), MOTION FOR EXTENSION TO FILE  
RESPONSES AND MOTION TO RECONSIDER**

COMES NOW, the Plaintiff, Crystal VL Rivers, Pro Se "Rivers", and hereby moves this Court to disqualify the attorneys employed by the United States Attorney's Office – Roanoke, any/all attorney employed by, and/or affiliated with Woods Rogers PLC, Edmunds & Williams PC, Caskie & Frost PC, Day Law Group PLLC, Petty, Livingston, Dawson & Richards, and Phillips, Morrison & Ferrell LLP. In support of this motion the Plaintiff avers as follows:

1. The Defendants, United States of America, IRS-Criminal Division, Federal Bureau of Investigations, Special Agents, Karen Deer and MaryLou Prilliman, by and through counsel that included at all times relevant, the Assistant United States Attorney, C. Patrick Hogeboom (deceased), United States Attorney, Timothy J. Heaphy (Retired), Assistant United States Attorney Charlene Day, and Assistant United States Attorney Stephen Pflieger, investigated and prosecuted the criminal and civil matters reported to them by the Plaintiff and other victims. The US Attorney Office – Roanoke has appointed Counsel for the Defendants, Sara Bugbee Winn VSB #35924, to litigate the negligence and violations of the Plaintiff's rights under the Crime Victim Rights Act 2004. Ms. Winn has a conflict of interest, adverse interest and a bias as it

relates to the Defendants, and to the United States Attorney's Office and her colleagues and associates of that office.

2. The lawsuit at issue is a matter of a violation of the Plaintiff's constitutional rights under the Crime Victim Rights Act of 2004<sup>1</sup> and negligence against their clients and a matter of ongoing RICO, among other things stemming from the failure to indict the original "bad actors". As such, this action is being filed to address the United States Attorney Office and their Assistant Attorney(s) representation of their clients that knowingly allowed the crimes under the United States Criminal Code to continue using the Plaintiff "victim" and other victims as patsies and bait to bolster their clients multi-jurisdictional Federal investigation and "case".

3. Assistant United States Attorneys, C. Patrick Hogeboom (deceased), Charlene Day and Stephen Pflieger, under the direction and supervision of retired United States Timothy J. Heaphy, which were counsel for the Defendants at the time, advanced the position of the Federal investigation in favor of the IRS-Criminal Division violating the crime victim rights of each and every victim who reported the suffering at the hands of the "bad actors", John L Wynne among others including many of the Defendants since 2006. With the guidance of counsel, the team was able to successfully bring down perpetrators involved with Wynne; USA v James Gordan and Linda Fields, Case No 1:2012-cr-00027, 6:2012-cr-10027 and USA v Timothy Scott Brooks<sup>2</sup> and Adam Spruill<sup>3</sup> Case No 6:2010-cr-00005, involved in the Genesis Mansion Ltd. scam (Case No6:2014-cr-00008) and others.

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<sup>1</sup> On July 15, 2019, the Plaintiff filed Motion for Inclusion and Motion to Enforce her rights under the Crime Victim Rights Act 2004 (DE 18)

<sup>2</sup> The Plaintiff reported the connection between Timothy Scott Brooks and Wynne and other entities to Asst. US Attorney Patrick Hogeboom and met with Day, Deer, Hogeboom and Hogeboom on occasion

<sup>3</sup> Adam Spruill introduced the Plaintiff initially to Virginia State Police Special Agent Bill Talbott hoping it would reduce his sentence in **USA v Timothy Scott Brooks**, et al. 6:2010-cr-00005 (which led to **USA v Susanne Helbig** 6:2014-cr-00008)

4. On or about August 2018; United States Attorney Timothy J. Heaphy retired from the United States Attorneys Office and was replaced by now acting United States Attorney Thomas Cullen. Clearly the United States Attorneys Office and its assistant attorneys have a conflict of interest. They represent the Plaintiff's interest as a "victim" under the Crime Victim Rights Act of 2004 since the Plaintiff reported the matter to the Defendant FBI's Special Agent Christian Pettyjohn who instructed her to meet with Defendant IRS-Special Agent MaryLou Prilliman on or about November 2009. At that time, the US Attorneys Office would have advised the Defendant IRS-Special Agent Prilliman, who reported to Assistant United States Attorney Hogeboom, to obtain the Plaintiffs and additional victim Karen Foster report, obtain their evidence, copy it for the record and amend or extend their Federal investigation of Wynne and others. They would also present the evidence owned by the Plaintiff at grand jury.

5. The Plaintiff provided her evidence and files to the Defendant Special Agent Prilliman who provided it to the US Attorney's Office giving them access to the Plaintiff's evidence, files and records and all matters of confidential information compiled relating to John Wynne and others named Defendant in this matter. Any/all attorneys working for or employed by the United States Attorney's Office-Roanoke, including the United States Attorney Thomas Cullen, subsequently represented the Defendants when they advanced their position in the Federal Investigation against Wynne and others, to the benefit of the Defendants which undermined the Crime Victim Rights of the Plaintiff and other victims. They have an unequivocally adverse interest in the Plaintiff's lawsuit against the Defendants and the Plaintiff's rights under the Crime Victim Rights Act of 2004. Not surprisingly, the United States Attorney's Office and those attorneys counsel for the Defendants, each are liable to the Plaintiff for failing to indict the "bad actors" and instructing the only other remedy agencies, the Virginia State Police and

Commonwealth Attorney's Office that their case is part of a larger ongoing Federal investigation investigated by Defendants Deer and Prilliman and prosecuted by a United States Attorney and not to charge, prosecute or indict the "bad actors". The Plaintiff has rights to fair and swift prosecution of the criminal and civil crimes committed against her by the "bad actors". The United States Attorney's Office and its attorneys excepted the Plaintiffs claims, reports and evidence, prosecuted, failed to prosecute and or at best advised the Defendants as counsel to prosecute or not. The United States Attorney's Office, the attorneys of the office and the Defendants benefitted from the claims and crimes committed against the Plaintiff and other victim's reporting and also from their representation of the Defendants. The United States Attorney's Office, and their attorney's files are subject to discovery.

6. Erin B Ashwell VSB #79538, counsel for Defendants BBoyz LLC, S&R Farm LLC, Ralph Beck, and Mark Loftis and John W. Francisco VSB #85087, counsel for Defendant Bank of the James, each employed by or associates of Woods Rogers PLC, Edmunds & Williams PC, have been hired by their Defendant clients to defend this matter against the Plaintiff. The Defendant Peter C Sackett's uncles, Henry Moseley Sackett and Henry M. Sackett Jr. were original founders of Edmunds & Williams PC and Henry M. Sackett III who is a fourth Sackett generation lawyer with the firm since October 2016 when the firm merged with Woods Rogers PLC. Peter C Sackett's father and mother can be added as Defendants in this matter as conspirators in the accounting of foreclosure matter because they provided \$72,000.00 to Peter C Sackett to cover up the Peter C Sackett and his wife, Sherri Sackett's embezzlement of over \$80,000.00 obtained from Rivers by unnamed defendant Wynne through and under false pretenses while the Federal investigation was underway. John W Francisco VSB #85087, counsel for Bank of the James and Eric Chapman, is employed and associated with Woods

Rogers (PLC) Edmunds & Williams (PC). Also Defendant Mark Loftis is employed by and associated with Woods Rogers (PLC) Edmunds & Williams (PC). Defendant Loftis is subject to testimony and discovery in this matter. Both Ms. Ashwell and Mr. Francisco have a conflict of interest, adverse interest and a bias as it relates to the firm and their colleague and associate, Defendant, Mr. Loftis. The firm benefitted from the income derived from their representation of the Defendants Beck, Lester, S&R Farm LLC, Serenity Acres Farm LLC. The law firm's files are subject to discovery.

7. F. E. Tripp Isenhour III, VSB# 76871, counsel for Defendant Ted Counts Realty & Auction Co. Inc, and William E. Phillips, VSB #24981, counsel for Defendant, Lisa Shenkel are both employed by or associates of Caskie & Frost PC and have been hired by their Defendant clients to defend this matter against the Plaintiff. Both Mr. Isenhour III and Mr. Phillips have a conflict of interest, adverse interest and a bias as it relates to the firm and their colleagues and associates Commissioner of Accounts Leighton S. Houck and John R Alford Jr. Commissioner Houck was the acting Commissioner of Accounts with Eric Peters Sr. who were responsible for the accounting of foreclosure matter for 2232 Ridgewood Dr. Commissioner Houck is also a close-family friend of Defendant Peter C Sackett. The Plaintiff has requested the resignation of Leighton S. Houck for his involvement in gross mishandling of the accounting of foreclosure matter whereby the funds (\$114,000.00) used for the foreclosure were obtained illegally from the Plaintiff. John R Alford Jr. is a colleague and associate of John L Wynne and former bank partner with Wynne and Defendants J. Michael Thomas at Community First Bank with an affiliation to Defendant Select Bank and remains named as trustee with Wynne on Community First Bank documents recorded within the Circuit Courts. Commissioner Houck and Mr. Alford are subject to testimony and discovery in this matter.

8. Richard Gilman, VSB# 91407, counsel for Defendant Sherwood Day is both employed by and an associate of the Defendant at Day Law Group PLLC, and has been hired by his Defendant client to defend this matter against the Plaintiff. Because Sherwood Day prepared Deeds for and conspired with the Defendants Beck, Lester, S&R LLC, Serenity Acres Farm LLC, and Lisa Schenkel and was paid for his services while working for the firm Day Law Group PLLC, Richard Gilman has a conflict of interest, adverse interest and a bias as it relates to the firm and his colleagues and associate Sherwood Day. The firm benefitted from the income derived from their representation and "cover-up" of the Defendants Beck, Lester, S&R Farm LLC, Serenity Acres Farm LLC. The firm's files are subject to discovery

9. Thomas L. Phillips Jr., VSB# 19708, counsel for Defendant Frank Morrison is employed by Phillips, Morrison, and Ferrell and has been hired by his Defendant client to defend this matter against the Plaintiff. Because Frank Morrison is a colleague and associate of Mr. Phillips Jr. and because he prepared Deeds for and conspired with the Defendants Beck, Lester, S&R LLC, Serenity Acres Farm LLC, and Lisa Schenkel and was paid for his services from a forged HUD statement while working for the firm, and because Mr. Phillips Jr. is also the brother of Betsy Phillips another colleague and associate of the firm who represented the Plaintiff as counsel, Mr. Phillips Jr. has a conflict of interest, adverse interest and a bias as it relates to the firm and his sister and colleagues and associate Defendant Frank Morrison. The firm benefitted from the income derived from their representation of the Defendants Beck, Lester, S&R Farm LLC, Serenity Acres Farm LLC and the Plaintiff. The firm's files are subject to discovery.

10. Chad A. Mooney, VSB #75211, counsel for Defendants Serene Creek Run HOA and homeowners; Baker, Friedman, Rogers, Krycinski, Bradbury, Frear and Fluker, is employed by Petty, Livingston, Dawson & Richards and has been hired by his Defendant clients to defend this

matter against the Plaintiff. Because Mr. Mooney is a colleague and associate of the firm and because the firm was paid money in 2008 from the funds obtained by Defendant Peter C Sackett from the accounting of foreclosure action relating to this RICO matter, and because he is a colleague and associate of colleague and associate Richard M. Livingston of the firm. Mr. Mooney has a conflict of interest, adverse interest and a bias as it relates to the firm and his colleagues and associates. The firm benefitted from the income derived from their representation of the Plaintiff as former counsel for the Plaintiff and they benefitted from the income derived from their “cover-up” of the matters relating to their clients and income they derived from Henry and Helga Beck, (who can be called as witnesses and/or named defendants in this matter) and the Defendants Beck, Lester, S&R Farm LLC, Serenity Acres Farm LLC, Lisa Schenkel, Sherwood Day, Frank Morrison, and the Plaintiff. The firm’s files are subject to discovery. Mr. Livingston is subject to testimony and discovery.

11. Without a doubt, the aforementioned attorney’s have a conflict of interest, adverse interest and/or a bias in representing their clients, relating to this matter. Rules of Professional Conduct prohibit a lawyer from representing a party when he or she has a conflict of interest.

12. To be sure, the Defendants have every right to defend themselves in this litigation, however, the lawyers and the firms they have hired do not have an ethical right to defend them in this matter.

#### **MOTION FOR EXTENSION TO FILE RESPONSES FILED BY ATTORNEYS**

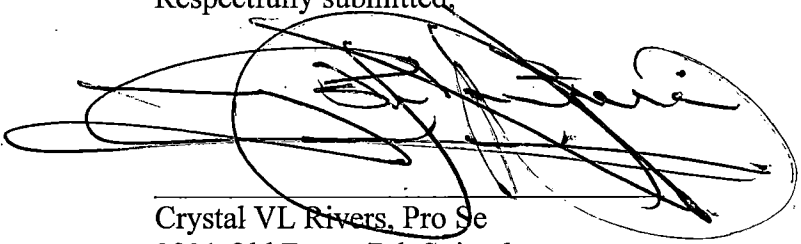
13. In. *Patricia Grimes v District of Columbia*, US Court of Appeals No 13-7038 (2015), the Court stated:

“ The district court erred in the sequence in which it rendered its decisions. Because a claim of counsel’s conflict of interest calls into question the integrity of the process in which the allegedly conflicted counsel participates, the court should resolve a motion

to disqualify counsel before it turns to the merits of any dispositive motion. [Once] the district court has resolved the merits of the motion to disqualify, it will need to determine how the litigation should proceed. In the event the court concludes there was a conflict of interest or an appearance of impropriety, it will have to decide whether the effects were prejudicial or harmless.”

WHEREFORE, for the reasons stated herein and in the record of this proceeding, it is respectfully urged that the Plaintiff’s Motion to Disqualify be granted and that the Office of the United States Attorney, Sara Bugbee Winn and all other Assistant United States Attorneys of that office, and Erin B Ashwell, Richard Gilman, Thomas L Phillips, John W Francisco, F.E. Tripp Isenhour, William E Phillips, and Chad A. Mooney be disqualified from representing their Defendant clients in this matter or be found to be in violation of the Rules of Professional Conduct. The Plaintiff additionally urges the Court to grant the Plaintiff’s Motion for Extension to Respond to the Responses filed by any of the aforementioned attorneys until such time as the Motion to Disqualify has been heard and satisfied by this Court. Also; the Plaintiff asks the Court to reconsider (D.E. 11) the Plaintiff’s prior motion to transfer this matter to the Eastern District (D.E. 3) and grant her motion to transfer this matter to the Eastern District to for further prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crystal VL Rivers', is written over a horizontal line. The signature is stylized and somewhat messy, with several loops and flourishes. It is positioned above the typed name and address.

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### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been mailed or emailed to the following Defendant's and the Clerk of the United States District Court for the Western District of Virginia Lynchburg Division on October 2, 2019.

Counsel for the Defendants, IRS, FBI, Karen Deer, and Mary Lou Prilliman  
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Virginia State Police  
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Commissioner E Joseph Face, Jr  
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Bedford Virginia "Town"  
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City of Lynchburg Virginia  
c/o City Attorney 900 Church St, Lynchburg VA 24504  
c/o Attorney General Mark Herring 202 N Ninth St, Richmond Va 23219

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North Creek Inc aka North Creek Construction, Kelly Edmundson, and David Edmundson  
595 Legacy Lakes Way, Aberdeen NC 28315

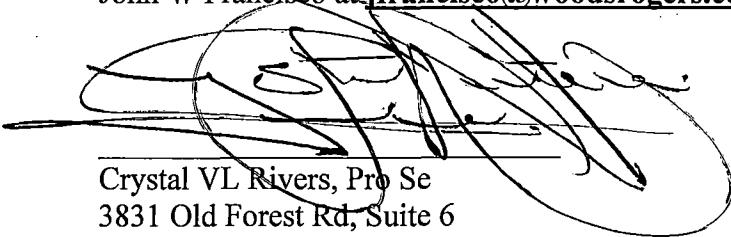
Counsel for Serene Creek Run HOA, Travis Baker, Michael Friedman, Richard Rogers, Matthew  
and Sarah Krycinski, Michael Bradbury, Howard Frear, William Fluker, and Seth Twery  
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A large, stylized handwritten signature in black ink, appearing to read 'Crystal VL Rivers', is written over a horizontal line.

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